



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
P.O. BOX 145030 • SALT LAKE CITY, UTAH 84114-5030 • (801) 538-1029

NOTICE OF BILL RETURNED TO RULES COMMITTEE

March 4, 2009

Mr. Speaker:

The Business and Labor Committee has returned **H.B. 135**, LIEN REVISIONS, by Representative B. King, to the Rules Committee without recommendation with the following amendments:

3, Lines 70 through 79

70 (2) Except as provided in Subsection (5)(a), ~~{-If-}~~ if a patient is injured
in an accident that is not covered by workers' compensation, a
71 hospital may file a lien in accordance with Subsection 31A-26-301.5(2)(b):
72 (a) (i) upon damages recovered by the patient from a judgment or settlement; and
73 (ii) to recover usual, reasonable, and customary hospital charges not paid in
accordance with Subsection 31A-22-307 arising out of the
74 accident for treatment, care, and maintenance of the patient up to the date of ~~{-payment~~
of the
75 damages} judgment or settlement ; or
76 (b) (i) upon damages arising out of the accident recovered by the patient's family or
77 personal representative from a judgment or settlement; and
78 (ii) to recover usual, reasonable, and customary hospital charges not paid in
accordance with Subsection 31A-22-307 for treatment, care,
79 and maintenance of the patient up to the date of ~~{-payment of the~~
damages} judgment or settlement .

1. Page 3, Line 84 through Page 4, Line 96:

84 patient for the balance of the charges.
85 ~~{(5) Notwithstanding Subsection (2), a hospital that is a Medicare provider~~
may not file
86 a lien if at the time that the hospital submits a patient's claim with Medicare on
behalf of the
87 patient;
88 ~~—(a) the patient is covered by Medicare; and~~

Bill Number



HB0135

Action Class



H

Action Code



HCRRUL

- 89 ~~—— (b) the hospital has not established the probable existence of third-party liability~~
and
90 ~~payment through a judgment or settlement.~~
91 ~~—— (6) Notwithstanding Subsection (2), a hospital that is a Medicaid provider may~~
~~not file~~
92 ~~a lien if at the time that the hospital submits a patient's claim with Medicaid on~~
~~behalf of the~~
93 ~~patient:~~
94 ~~—— (a) the patient is covered by Medicaid; and~~
95 ~~—— (b) the hospital has not established the probable existence of third-party liability~~
~~and~~
96 ~~payment through a judgment or settlement.}~~ (5)(a) Subject to Subsection (5)(b),
a hospital shall timely bill Medicare or Medicaid before asserting a hospital lien if the
hospital:
(i) is a Medicare or Medicaid provider; and
(ii) provides services to a Medicare or Medicaid eligible individual.
(b) A hospital is not subject to the provisions of Subsection (5)(a) if the hospital,
within a Medicare or Medicaid billing time frame, is able to establish:
(i) the probable existence of third party liability; and
(ii) prospective or actual payment from a third party that constitutes whole or
partial payment for the hospital's usual, reasonable, and customary charges.
(6) A hospital may assert a lien in an amount of up to 90% of the difference
between the hospital's usual, reasonable, and customary charges and the amount
previously paid by health insurance, Medicare, or Medicaid if:
(i) a hospital has billed and accepted payment from a payer described in
Subsection (4) or (5); and
(ii) the patient obtains a recovery from a third party that constitutes whole or
partial payment of medical expenses caused by the third party.

Respectfully,

James A. Dunnigan
Committee Chair

Voting: --

Bill Number



HB0135

Action Class



H

Action Code



HCRRUL

H.B. 135
Business and Labor Committee Report
March 4, 2009 - Page 3

14 HB0135.HC1.WPD 3/4/09 10:01 am lerror/AMN VS/RCN

Bill Number



HB0135

Action Class



H

Action Code



HCRRUL